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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO	
10/710,663	07/27/2004	Bin-Juine Huang	12262-US-PA	4662	
31561 75	90 09/11/2006	•	EXAMINER .		
JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE			DUONG, THO V		
7 FLOOR-1, NO ROOSEVELT F	O. 100 ROAD, SECTION 2		ART UNIT	PAPER NUMBER	
TAIPEI, 100	,	3753			
TAIWAN			DATE MAILED: 09/11/2006	5	

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary    16/710,663	<del></del>		Applica	tion No.	Applicant(s)				
The MALLING DATE of this communication appears on the cover sheet with the correspondence address   Period for Repty	Office Action Summary		10/710	,663	HUANG ET AL.				
The MAILING DATE of this communication appears on the cover sheet with the correspondence address — Period for Reply  A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE ∫ MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.  Extensions of size may be well-bushed under the provision of 30 °RT 11300°, into event, however, may a reply the timely filled.  If NO period for reply is specified above, the maximum shalldory priority of the correspondence of this communication. Fallute to reply which the early control growth of the correspondence of this communication.  Fallute to reply which the early control growth in the set of excelled sprint of reply with, by eather, cause the explection the General AphRODERIC (\$1.8.C, 9, 130).  Any perior forms a disputement, \$0.70 °C 17 °			Examin	er	Art Unit				
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## **DETAILED ACTION**

## Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-7, drawn to a heat transfer device, classified in class 165, subclass I. 104.21.
- Claims 8-16, drawn to a method of making a heat transfer device, classified in II. class 29, subclass 890.030.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as process of making and product made. The inventions are distinct if either or both of the following can be shown: (1) that the process as claimed can be used to make another and materially different product or (2) that the product as claimed can be made by another and materially different process (MPEP § 806.05(f)). In the instant case, the process as claimed can be used to make another and materially different product such as a concentric fluid conducting tube that conduct fluid flow from an inner tube to an outer tube by a connecting tube.

Because these inventions are independent or distinct for the reasons given above and there would be a serious burden on the examiner if restriction is not required because the inventions have acquired a separate status in the art in view of their different classification, restriction for examination purposes as indicated is proper.

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Applicant is advised that the reply to this requirement to be complete must include (i) an election of a species or invention to be examined even though the requirement be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention or species may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse.

Should applicant traverse on the ground that the inventions or species are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions or species to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C.103(a) of the other invention.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

## Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tho v. Duong whose telephone number is 571-272-4793. The examiner can normally be reached on M-F (first Friday off).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Keasel Eric can be reached on 571-272-4929. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Tho v Duong

Primary Examiner

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